

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOAN V. BAYLEY, et al.,

Defendants.

CASE NO. 3:20-cv-05867-DGE

ORDER ON MOTIONS TO RECUSE
AND MOTION TO RECONSIDER

Before the Court are three motions filed by Defendant Philip N. Bayley: (1) a motion for injunction which included a request to recuse Judge David Estudillo, among others (Dkt. No. 229) (“Recusal Motion 1”); (2) a second motion to recuse Judge David Estudillo (Dkt. No. 231) (“Recusal Motion 2”); and (3) a motion to reconsider the denial of Recusal Motions 1 and 2 (Dkt. No. 233) (“Motion to Reconsider”). Judge Estudillo denied Recusal Motions 1 and 2 (Dkt. No. 232) and also denied Defendants’ Motion to Reconsider (Dkt. No. 237).

1 Local Civil Rule 3(f) requires that “If a challenged judge decides not to voluntarily
2 recuse, he or she will direct the clerk to refer the motion to the chief judge, or the chief judge’s
3 designee. If the motion is directed at the chief judge, or if the chief judge or the chief judge’s
4 designee is unavailable, the clerk shall refer it to the active judge with the highest seniority.” As
5 Judge Estudillo is the Chief Judge of the Western District of Washington, Defendant’s motions
6 regarding recusal were referred to the undersigned judge. *See* Dkt. Nos. 232 and 237.

7 On September 21, 2023, Defendant Bayley filed a motion to withdraw certain documents,
8 including Recusal Motion 1, Recusal Motion 2, and his Motion to Reconsider, stating that he
9 recognized that “[Judge] David Estudillo should have an opportunity to be fully responsible for
10 this case’s outcome.” Dkt. No. 238 at 1.

11 Accordingly, the Court ORDERS:

- 12 1. Defendant’s motion to withdraw is GRANTED, in part;¹ and
- 13 2. The Court STRIKES Defendant’s Recusal Motion 1 (Dkt. No. 229), Recusal Motion 2
14 (Dkt. No. 231), and Motion to Reconsider (Dkt. No. 233) as WITHDRAWN.

15 Dated this 6th day of October 2023.

16 

17 Tana Lin
18 United States District Judge

19
20
21
22
23
24 ¹ Defendant’s Motion for Permanent Injunctive Relief (Dkt. No. 230) and Motion on Fraud on the Court (Dkt. No. 236) were not referred to this Court and, therefore, are not addressed in this Order.